

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

MELVIN PLUMEE, )  
vs. )  
Plaintiff, )  
vs. )  
CASE NO.: 15-cv-364-SPS  
MARKEL AMERICAN INSURANCE )  
COMPANY, a Virginia corporation, )  
MERIDIAN CLAIMS SERVICE, LLC, )  
an Oklahoma limited liability company, )  
and HINSON INSURANCE AGENCY, )  
INC. an Oklahoma corporation, )  
Defendants. )

**STIPULATION OF PARTIAL DISMISSAL AND  
REQUEST FOR LEAVE TO AMEND STYLE OF THE CASE**

COMES NOW the Plaintiff and Defendant, Markel American Insurance Company, pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(i) and 41 (a)(1)(A)(ii), and STIPULATE to the dismissal without prejudice of Defendant, MERIDIAN CLAIMS SERVICE, LLC from this action. The parties agree and stipulate that:

1. Prior to the removal of this action from the District Court of Seminole County Oklahoma, Plaintiff had abandoned his causes of action against Defendant, Meridian Claims Service, LLC., as evidenced by the filing of *Plaintiff's First Amended Petition* (**Exhibit 1**), as well as, *Plaintiff's Dismissal Without Prejudice of Meridian Claims Service, LLC*, signed by Plaintiff on August 28, 2015, and filed by the Seminole County Court Clerk one (1) day after Markel's *Notice of Removal*, on September 22, 2015. (**Exhibit 2**)
2. Plaintiff's *Dismissal of Meridian Claims Service, LLC, Without Prejudice* in the state court action had not yet been file-stamped by the Seminole County Court Clerk at the time this

case was removed by Markel, although Plaintiff had already manifested its intent not to pursue any claims against Meridian (see ¶ 1).

3. To remove any uncertainty, the parties wish to STIPULATE that Plaintiff has dismissed any cause of action he may have against Meridian Claims Service, LLC, without prejudice.
4. Former Defendant, Hinson Insurance Agency, was already dismissed without prejudice from the state court action by Plaintiff prior to the removal, and therefore has no interest in this Stipulation.
5. The Plaintiff and remaining Defendant, Markel American Insurance Company, request leave of the Court to amend the style of the case pursuant to the *Amended Complaint* to reflect Markel American Insurance Company as the only remaining Defendant.

Plaintiff expressly reserves all claims and causes of action as to Markel.

Respectfully submitted,

/s/ Ben Baker  
BEN BAKER, OBA #21475  
109 North 2<sup>nd</sup> Street  
Purcell, Oklahoma 73080  
Telephone: (405) 527-8001  
Facsimile: (405) 527-1539  
bendbaker@gmail.com  
*Attorney for Plaintiff*

/s/ J. Derek Cowan  
Sarah J. Timberlake, OBA #7532  
J. Derek Cowan, OBA #31525  
ABOWITZ, TIMBERLAKE & DAHNKE, P.C.  
105 North Hudson, 10<sup>th</sup> Floor  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 236-4645  
Facsimile: (405) 239-2843  
sjt@abowitzlaw.com  
jdc@abowitzlaw.com  
*Attorneys for Defendant,*  
*Meridian Claims Service, LLC*

/s/ Amy Steele Neathery

D. Lynn Babb, OBA #392  
Amy Steele Neathery, OBA #20344  
PIERCE COUCH HENDRICKSON  
BAYSINGER & GREEN, L.L.P.  
PO Box 26350  
Oklahoma City, Oklahoma 73126-0350  
Telephone: (405) 235-1611  
Facsimile: (405) 235-2904  
lbabb@piercecouch.com  
aneathery@piercecouch.com  
*Attorneys for Defendant,  
Markel American Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2015, a true and correct copy of the above and foregoing instrument was forwarded via email and/or fax and/or first class U.S. Mail to the following counsel of record and transmitted via email to the Clerk of the Court for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants and/or in accordance with the Federal Rules of Civil Procedure:

Sarah J. Timberlake, OBA #7532  
J. Derek Cowan, OBA #31525  
ABOWITZ, TIMBERLAKE & DAHNKE, P.C.  
105 North Hudson, 10<sup>th</sup> Floor  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 236-4645  
Facsimile: (405) 239-2843  
sjt@abowitzlaw.com  
jdc@abowitzlaw.com  
*Attorneys for Defendant, Meridian Claims  
Meridian Claims Service, LLC*

D. Lynn Babb, OBA #392  
Amy Steele Neathery, OBA #20344  
PIERCE COUCH HENDRICKSON  
BAYSINGER & GREEN, L.L.P.  
PO Box 26350  
Oklahoma City, Oklahoma 73126-0350  
Telephone: (405) 235-1611  
Facsimile: (405) 235-2904  
lbabb@piercecouch.com  
aneathery@piercecouch.com  
*Attorneys for Defendant,  
Markel American Insurance Company*

/s/ Ben Baker

BEN BAKER